



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 19, 1995

Mr. Ross M. Simpson
Woodruff, Fostel, Wren & Simpson
P.O. Box 685
Bridgeport, Texas 76426

OR95-1455

Dear Mr. Simpson:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 19946.

The City of Bridgeport Police Department (the "department") has received a request from the superintendent of schools for Bridgeport Independent School District (the "school district") for "any and all police reports or incident reports prepared in the last 21 days regarding" a school district employee. You contend the information is excepted from public disclosure under sections 552.101 and 552.108(a) of the Government Code.

Section 552.101 excepts "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." In order for information to be brought within the common-law right of privacy under section 552.101, the information must meet the criteria set out in *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The *Industrial Foundation* court held that information is excepted from mandatory disclosure under the predecessor to section 552.101 as information deemed confidential by law if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. 540 S.W.2d at 685; Open Records Decision No. 142 (1976) at 4.

We have reviewed the incident reports submitted to this office and we agree the information is excepted from public disclosure under common-law privacy. The incident involves highly intimate and embarrassing information regarding the subject's medical condition. Furthermore, the information is not related to the subject's duties as a school

district employee, or any other public matter. Therefore, it is not of legitimate public interest. *See* Open Records Decision Nos. 470 (1987), 455 (1987), 422 (1984). Accordingly, you may withhold the requested information under section 3(a)(1) of the Open Records Act.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records.¹ If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Records Division

KPB/LBC/rho

Ref.: ID# 19946

Enclosures: Submitted documents

cc: Mr. Tom Carr
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(w/o enclosures)

¹The legislature recently amended section 552.301. *See* Act of May 29, 1995, 74th Leg., R.S., ch. 1035, § 18, 1995 Tex. Sess. Law Serv. 5127, 5139.